

Message Text

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TAGS: PLOS

SUBJECT: LOS: DAILY REPORT COMMITTEE II, AUGUST 16, 1974

1. SUMMARY: US. FORMALLY INTRODUCED DRAFT ARTICLES ON ECONOMIC ZONE AND CONTINENTAL SHELF. IN INFORMAL SESSION, WORKING PAPERS ON TERRITORIAL SEA, CONTIGUOUS ZONE AND HIGH SEAS WERE DISCUSSED. END SUMMARY.

2. IN FORMAL SESSION POLAND INTRODUCED DRAFT ARTICLES AMENDING ARCHIPELAGIC STATES PROPOSALS CONTAINED I L.49. BASIC APPROACH IN POLISH ARTICLES WAS TO PROVIDE FREEDOM OF PASSAGE FOR ALL SHIPS IN ARCHIPELAGIC STRAITS AND SEA LANES USED FOR INTERNATIONAL NAVIGATION BETWEEN HIGH SEAS AREAS. AUSTRALIA INTRODUCED DRAFT ARTICLES CO-SPONSORED WITH NEW ZEALAND ON HIGHLY MIGRATORY SPECIES CONTAINED IN DOCUMENT L.57. THESE ARTICLES ENVISION FULL COASTAL STATE COOPERATION WITH INTERNATIONAL OR REGIONAL ORGANIZATIONS WITH COASTAL STATE PREFERENCE TO HARVEST SPECIES WITHIN ITS UNCLASSIFIED

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ECONOMIC ZONE UP TO ITS CAPACITY. COASTAL STATE WOULD RECEIVE

UNIFORM FEES FOR FISH CAUGHT BY FOREIGN VESSELS WITHIN ITS ZONE.

3. U.S. REP STEVENSON FORMALLY INTRODUCED U.S. DRAFT ARTICLES ON ECONOMIC ZONES AND CONTINENTAL SHELF (A/CONF. 62/C.2/L.47). DOCUMENT REPLACED PRIOR U.S. DRAFT FISHERIES AS WELL AS COASTAL SEABED ECONOMIC AREA ARTICLES. L.47 WOULD EXTEND COASTAL STATE JURISDICTION OVER RENEWABLE AND NON-RENEWABLE RESOURCES AND INVOLVED OTHER RIGHTS AND OBLIGATIONS OF COASTAL STATE, INCLUDING CONTROL OVER CERTAIN INSTALLATIONS AND DRILLING FOR ANY PURPOSE. RIGHTS OF COASTAL STATE AND THOSE OF OTHER STATES WOULD BE BALANCED AND NEITHER COULD UNJUSTIFIABLY INTERFERE WITH THE OTHER. U.S. BELIEVED DISPUTE SETTLEMENT PROVISIONS WERE CRITICAL IN ACCOMMODATING COASTAL STATE AND INTERNATIONAL COMMUNITY INTERESTS. WITH RESPECT TO FISHERIES, COASTAL STATE WOULD, IN EFFECT, CARRY OUT CONSERVATION AND ALLOCATION; THERE WOULD BE NO OBLIGATION TO FOLLOW RECOMMENDATIONS OF INTERNATIONAL FISHERIES ORGANIZATIONS. COASTAL STATE WOULD DECIDE WHETHER RESOURCES WERE BEING FULLY UTILIZED SUBJECT TO DISPUTE SETTLEMENT. THERE WOULD BE A BASIC PROHIBITION ON FISHING FOR ANADROMOUS SPECIES BEYOND THE TERRITORIAL SEA EXCEPT WHEN AUTHORIZED BY STATE OF ORIGIN. IN ARTICLES ON HIGHLY MIGRATORY SPECIES EFFORT HAD BEEN MADE TO PROVIDE SCIENTIFICALLY DESIRABLE INTERNATIONAL ARRANGEMENTS FOR CONSERVATIONS AND MANAGEMENT., WHILE RECOGNIZING SPECIFIC INTERESTS OF COASTAL STATES IN WHOSE ECONOMIC ZONE HIGHLY MIGRATORY SPECIES WERE CAUGHT IN EQUITABLE SHARE OF BENEFITS. ARTICLE 27(B) OF U.S. DRAFT WAS ATTEMPT TO RECONCILE POSITIONS OF STATES WISHING TO EXTEND THEIR RIGHTS TO EDGE OF CONTINENTAL MARGIN WITH THOSE CONCERNED ABOUT DIMINUTION OF COMMON HERITAGE. U.S. PROPOSED UNIFORM RATE OF REVENUE SHARING POSSIBLE BASED ON VALUE OF PRODUCT AS POSSIBLE COMPROMISE. REVENUES WOULD BE USED FOR INTERNATIONAL COMMUNITY PURPOSES. U.S. ARTICLES PROVIDED COASTAL STATE CONTROL OVER INSTALLATIONS FOR EXPLOITATION OF RESOURCES AND OTHER ECONOMIC PURPOSES, SUCH AS SUPERPORTS AND AIRPORTS. ARTICLES ENVISIONED SAFETY ZONE WIDER THAN 500 METERS PROVIDED IN SHELF CONVENTION AROUND SUCH INSTALLATIONS WHEN APPROPRIATE.

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4. IN INFORMAL SESSION ON WORKING PAPER #1, REVISION 2 (TERRITORIAL SEA), U.S. REP MOORE, SUPPORTED BY NUMBER OF OTHER DELS, INCLUDING U.K. FRG AND U.S.S.R., QUESTIONED NEED FOR PROVISION 2 IN MAIN TRENDS WORKING PAPER. PROVISION 2 READS "HISTORIC WATERS SHALL INCLUDE TERRITORIAL WATERS PERTAINING TO A STATE BY REASON OF A HISTORIC RIGHT OR TITLE." PROVISION 2 WAS STRONGLY DEFENDED BY PHILIPPINES AND TONGA WHO

WERE SUPPORTED BY FIJI AND A FEW OTHERS. DISCUSSION MADE IT CLEAR THAT PHILIPPINE PROPOSAL DID NOT HAVE WIDE SUPPORT TO CREATE TERRITORIAL SEAS BY HISTORIC CLAIM. IN END, CHAIRMAN INDICATED THAT PROVISION 2 WOULD BE MAINTAINED BUT PERHAPS WOULD BE AMENDED.

5. IN INFORMAL SESSION IN AFTERNOON ON INFORMAL WORKING PAPER #6(CONTIGOUS ZONE), DISCUSSION FOCUSED ON WHETHER LIMITS TO ZONE SHOULD BE SPECIFIED IN WORKING PAPER. IN DISCUSSION ON INFORMAL WORKING PAPER #7 (HIGH SEAS), NEW ZEALAND SUPPORTED BY U.S. AND CHILE (ARGENTINA, AUSTRALIA AND MEXICO ARE ALSO (CO-SPONSORS), SUGGESTED NEW ALTERNATIVE ON HOT PURSUIT. DRAFT TEXT SUBMITTED READS: "THE RIGHT OF HOT PURSUIT SHALL APPLY, MUTATIS MUTANDIS, TO VIOLATIONS IN THE ECONOMIC ZONE OR ON THE CONTINENTAL SHELF, INCLUDING SAFETY ZONES AROUND CONTINENTAL SHELF INSTALLATIONS, OF THE LAWS AND REGULATIONS OF THE COASTAL STATE APPLICABLE IN ACCORDANCE WITH THIS CONVENTION TO THE ECONOMIC ZONE OR THE CONTINENTAL SHELF, INCLUDING SUCH SAFETY ZONES." PERUVIAN DEL SUGGESTED SEVERAL TECHNICAL CHANGES RELATED TO THEIR POSITION OF REPLACING HIGH SEAS REGIME WITH NEW CONCEPT OF INTERNATIONAL SEA.

6. U.S. ALT. REP OXMAN SUGGESTED 4 CHANGES IN WORKING PAPER TO REFLECT FISHERIES POSITION OF L.47 IN HIGH SEAS WORKING PAPER. (TEXT POUCH DEPT). MEETING ADJOURNED TO PROVIDE DELEGATES FURTHER TIME TO STUDY HIGH SEAS WORKINGPAPER. CHAIRMAN INDICATED THAT NEXT MEETING WOULD TAKE UP WORKING PAPER ON HIGH SEAS AND, PERHAPS, ON ARCHIPELAGO, AND LAND-LOCKED COUNTRIES. STEVENSON

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